

Federal Criminal Court

Reference number BB 2015.36+37

**Decision of April 28, 2015
Objections Chamber**

Composition

Federal Criminal Judge Stephan Blättler, Chair,
Andreas J. Keller and Cornelia Cova,
Court clerk Chantal Blättler Grivet Fojaja

Parties

1. Kale Kepekaio GUMAPAC, 15-1939, 20th Avenue, HI 96749, US-Kea'au,
2. [REDACTED],
Both represented by David Keanu Sai, HI 96805-2194, US-Honolulu,
delivery address c/o Michico Testini, avenue Eugène Lance 44, 1212 Grand-Lancy

Objectors 1+2

vs.

OFFICE OF THE FEDERAL ATTORNEY GENERAL, Taubenstrasse 16, 3003 Berne,

Defendant of the Objection

Subject

Decision of Non-Acceptance (Art. 310 in connection with Art 322 par. 2 StPO)

The Objections Chamber states:

- that on December 22, 2014 the former Swiss honorary consul in Honolulu, Niklaus Schweizer, introduced a report by David Keanu Sai (henceforth "Sai") of December 7, 2014 to the Office of the Federal Attorney General, which stated that war crimes had been committed in Hawaii;
- that according to this report, Sai suspects the US-American authorities of committing war crimes and pillaging by way of the unlawful levying of taxes, since all locally established authorities are said to be unconstitutional according to Hawaiian Kingdom law;
- that by way of a letter dated January 21, 2015, [REDACTED] (henceforth [REDACTED]) and his representative Sai made a criminal complaint with the Office of the Federal Attorney General, stating that [REDACTED] was a victim of a war crime according to Art. 115 StPO, because during the years 2006-2007 and 2011-2013, he had paid taxes to US-American authorities in Hawaii without justification, and that [REDACTED], in addition, is the victim of fraud, committed by the State of Hawaii, because together with his wife he wanted to acquire a real estate property, which however on the basis of the lacking legitimacy of the official authorities of Hawaii to transfer the property title, was not possible, for which reason the governor of the State of Hawaii Neil Abercrombie (henceforth "Abercrombie"), Lieutenant Shan Tsutsui (henceforth "Tsutsui"), the director of the Department of Taxation Frederik Pablo (henceforth "Pablo") and his deputy Joshua Wisch (henceforth "Wisch") are to be held criminally accountable for the pillaging of [REDACTED]'s private property and for fraud;
- that, in addition, by way of a letter dated January 22, 2015, Sai, in the name of Kale Kepekaio Gumapac (henceforth "Gumapac") contacted the office of the Federal Attorney General and requested that criminal proceedings against Josef Ackermann (henceforth "Ackermann"), the former CEO of Deutsche Bank National Trust Company (henceforth "Deutsche Bank") be opened and in this connection invoked rights deriving from Art. 1 of the friendship treaty between the Swiss Confederation and the then Hawaiian Kingdom of July 20, 1864, which has not been cancelled; that this complaint arose from a civil dispute between Gumapac and Deutsche Bank; that Gumapac was the owner of a property on Hawaii and a mortgagee of Deutsche Bank; that however the title of property, due to the illegal annexation of the Kingdom of

Hawaii, was null and void, since the local US-American notaries were not empowered to transfer title; that Deutsche Bank did not recognize this fact and that it had foreclosed on Gumapac's house to cover the mortgage debt, instead of claiming its rights stemming from a "title insurance;" that the bank therefore pillaged Gumapac's house according to the international laws of war (case files, box section 3 and 5);

- that the office of the Federal Attorney General on February 3, 2015 decreed a decision of non-acceptance of the criminal complaints and civil suits against Ackermann, Abercrombie, Tsutsui, Pablo and Wisch on account of war crimes allegedly committed in Hawaii between 2006 and 2013 (case files, box section 3 + act. 1.1);
- that Gumapac and [REDACTED] introduced, in opposition to this, an objection on March 31, 2015 to the Objections Chamber of the Federal Criminal Court and accordingly requested the cancellation of the decision of non-acceptance, and the carrying out of the criminal proceedings against the defendants indicated by them (act. 1).

The Objections Chamber considers:

- that an objection against a decision of non-acceptance by the office of the Federal Attorney General according to the regulations of Art. 393 ff. StPO to the Objections Chamber of the Federal Criminal Court is admissible (Art. 310 par. 2. in connection with Art. 322. par. 2 StPO and Art. 37 par. 1 StBOG);
- that the objection is to be submitted in writing and by providing cause to the objections authority within 10 days (Art. 396, par. 1, StPO);
- that the deadline of objections in connection with decisions or administrative decrees begins to be counted with their delivery to the addressee (Art. 384 lit. b StPO);
- that the decision objected had been delivered on March 23, 2015 to the addressee named by the objectors (case files, box section 3), a fact which was mentioned by the objectors themselves (act. 1 S. 2);
- that the time limit of 10 days to object therefore terminated on April 2, 2015;

- that the time limit is adhered to if the objection is handed at the latest on the last day of the time limit to the objections authority, to the Swiss postal service, to a Swiss diplomatic or consular office, or in case of incarcerated persons, to the administration of the institution (Art. 91 par. 2 StPO);
- that, when a private mail or courier service is used, the relevant moment of time takes place when the submission is delivered to the objections authority (decision of the Federal Criminal Court, BB.2012. 155-156 of October 31, 2012);
- that the delivery of the objection at hand from Honolulu to the Objections Chamber was executed by the private courier service FedEx; that the objection was handed to the court on April 8, 2015, and therefore after the expiration of the ten-day time limit for an objection (act. 4);
- that the objection, therefore, was submitted late, for which reason it is not to be accepted;
- that for this reason the execution of an exchange of correspondence has been declined (Art. 390 par. 2 StPO e contrario);
- that with this decision the objectioners are responsible, in solidarity, for the court costs (Art. 428 par. 1 StPO), whereby the court fee is to be fixed at 500 Francs (Art 73 StBOG in connection with Art. 5 and 8 par. 1 BStKR).

Therefore the Objections Chamber decides:

1. The objection will not be pursued.
2. The court fees of 500 Francs are placed on the objectioners in solidarity.

Bellinzona, April 28, 2015

In the name of the Objections Chamber
of the Federal Criminal Court

The President:
[Signature]

The Court Clerk:
[Signature]

Delivery to

- David Keanu Sai. Delivery address: c/o [REDACTED], avenue Eugène Lance 44, 1212 Grand-Lancy
- Office of the Federal Attorney General, Andreras Müller, Federal Prosecutor, Taubenstrasse 16, 3003 Berne (SV.15.0101-MUA)

Instructions concerning the right to appeal

Against this decision there is no due legal recourse

[rectangular stamp: FEDERAL CRIMINAL COURT
April 28, 2015
FOR DISPATCH]